

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

CONTRACTORS, LABORERS,)	CASE NO. 8:08CV490
TEAMSTERS AND ENGINEERS)	
PENSION PLAN; CONTRACTORS,)	
LABORERS, TEAMSTERS AND)	
ENGINEERS HEALTH AND WELFARE)	
PLAN; LABORERS INTERNATIONAL)	
UNION OF NORTH AMERICA, LOCAL)	
NO. 1140; CONTRACTORS-)	ORDER ON MOTION FOR
LABORERS APPRENTICESHIP)	ATTORNEY FEES
TRAINING FUND; INTERNATIONAL)	
UNION OF OPERATING ENGINEERS,)	
LOCAL 571; NEBRASKA OPERATING)	
ENGINEERS APPRENTICESHIP AND)	
TRAINING FUND; RON KAMINSKI,)	
ROD MARSHALL, KIM QUICK, TIM)	
McCORMICK, RON FUCINARO and)	
ROBERT HAYWORTH, TRUSTEES OF)	
THE HEALTH, WELFARE AND)	
PENSION FUNDS,)	
)	
Plaintiffs,)	
)	
vs.)	
)	
G & G TRENCHING, INC.,)	
a Nebraska Corporation,)	
)	
Defendant.)	

This matter is before the Court on the Plaintiffs' Motion for Attorney Fees (Filing No. 38). Pursuant to ERISA, 29 U.S.C. § 1132(g)(2)(D), the Plaintiffs, as prevailing parties, are entitled to an award of reasonable attorney fees. The Court takes notice of all pleadings, motions, and orders filed in this case, as well as the proceedings before the Court on July 14, 2009. The Court has also reviewed and considered Plaintiffs' counsel's Index of Evidence (Filing No. 39) in which he sets forth the basis for the request for fees in the

amount of \$10,875.00 and costs¹ in the amount of \$472.40, for a total request of \$11,347.40. Defendant G&G Trenching, Inc., has made no objection to the request.

The Court finds that Plaintiffs' request for attorney fees is reasonable, both as to the hourly rate charged and the number of hours incurred in representation of the Plaintiffs, and that the request for costs is also reasonable and consistent with Fed. R. Civ. P. 54(d). Accordingly,

IT IS ORDERED:

1. The Plaintiffs' Motion for Attorney Fees (Filing No. 38) is granted;
2. Attorney Fees in the amount of \$10,875.00 and Costs in the amount of \$472.40 are awarded against the Defendant, G&G Trenching, Inc., and in favor of the Plaintiffs² Contractors, Laborers, Teamsters and Engineers Pension Plan; Contractors, Laborers, Teamsters and Engineers Health and Welfare Plan; Laborers International Union of North America, Local No. 1140; International Union of Operating Engineers, Local 571; and Ron Kaminski, Rod Marshall, Kim Quick, Tim McCormick, Ron Fucinaro and Robert Hayworth, Trustees of the Health, Welfare and Pension Funds; and

¹

The request for costs includes taxable costs generally assessed by the Clerk of the Court. No separate taxation of costs by the Clerk will be effected pursuant to Fed. R. Civ. P. 54(d)(1).

²

Plaintiffs Contractors-Laborers Apprenticeship Training Fund and Nebraska Operating Engineers Apprenticeship and Training Fund are not included in this award, because they were not prevailing parties.

3. Consistent with the Court's Order of September 9, 2009, the Plaintiffs must file any notice of appeal within 30 days of the date of this Order.

DATED this 18th day of September, 2009.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge